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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,443	10/12/2001	Ronald E. Sloan	60021-376002	2727

29838 7590 02/06/2008  
OPPENHEIMER WOLFF & DONNELLY, LLP  
PLAZA VII, SUITE 3300  
45 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-1609

EXAMINER
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NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,443	<b>Applicant(s)</b> SLOAN ET AL.	
	<b>Examiner</b> NGA B. NGUYEN	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/07;10/31/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on October 31, 2007, which paper has been placed of record in the file.
2. Claims 25-41 are pending in this application.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on September 25, 2007 and October 31, 2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments/Amendment***

4. Applicant's arguments with respect to claims 25-41 have been considered but are moot in view of new grounds of rejection.
5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 25-30, 32-35 and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallman, U.S. Patent No. 6,601,044.

Regarding to claim 25, Wallman discloses a method for providing automated coaching for a financial modeling and counseling system over a network to a user-investor, comprising:

inputting personal financial data of the user-investor; inputting user preferences; inputting user financial goals; inputting external financial market data (column 23, lines 20-40, the investor inputs the investor's personal financial information, investor's preferences, investor's financial goals, and various type of securities and portfolio mix);

processing the personal financial data, the external financial market data, the user preferences, and the user financial goals (column 23, lines 30-60, the system

generates the asset allocation model based on the investor's inputted information); and  
outputting to the user-investor:

(a) automated coaching provided by an automated rules-based analysis and presented in a natural language format wherein the coaching includes financial advice based on the personal financial data, preferences, and financial goals of the user investor (column 24, lines 1-25, the system provides financial advice based on the personal financial data, preferences, and financial goals of the user investor; figure 15 and column 38, lines 55-67, the natural language interface 151 allows the investor to input the selection criteria in natural language);

(b) a proposed product configuration formulated to comply with the user preferences and the user financial goals, wherein the proposed product configuration includes recommended securities for the user-investor to purchase from a larger set of securities (column 25, lines 25-45, the investor can select the suggested portfolio or the portfolio recommended by the system based on the investor's risk and return preferences); and

(c ) a projection of an effect of the proposed product configuration on attaining the user financial goals (column 26, lines 10-35).

Regarding to claim 26, Wallman further discloses wherein part of the personal financial data includes an aggregate cash flow model, an investment target value, a target date for achieving financial user financial goals, or an investment portfolio (column 25, lines 25-55, an investment portfolio).

Regarding to claim 27, Wallman further discloses wherein the external financial market data includes values of various market benchmark indices, performance history of various securities, or prices of various securities (figure 13 and columns 37-38).

Regarding to claim 28, Wallman further discloses wherein the automated coaching advice in natural language format is an interpretation of numerical data (column 17, line 55-column 18, line 45).

Regarding to claim 29, Wallman further discloses wherein the user preferences include a risk tolerance, an investment style, or a market attitudes (column 23, lines 20-35, a risk tolerance).

Regarding to claim 30, Wallman further discloses wherein the user goals include retirement, purchasing a house, purchasing a car, going on vacation, or paying for college (column 23, lines 20-35, college education for children).

Claims 32-35 contain similar limitations discussed in claims 25-28 above, therefore, are rejected by the same rationale. Moreover, Wallman discloses a system comprising: a database for receiving financial data, a processing unit for processing financial data, and a user interface for outputting to the user-investor (column 28, lines 10-40).

Claims 37-40 are written in computer readable medium and contain similar limitations discussed in claims 25-28 above, therefore, are rejected by the same rationale

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 31, 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,601,044, in view of Randle et al (hereinafter Randle), U.S. Patent No. 5,774,663.

Regarding to claim 31, Wallman does not disclose wherein the automated coaching advice provides live coaching over the network. However, Randle discloses wherein the automated coaching advice provides live coaching over the network (see abstract and column 2, lines 20-40, providing financial service via video in real time to customer at remote location from personal bankers at central location). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to incorporate the feature taught by Randle's above for the purpose of providing automated coaching advice while maintaining the personal, human interaction between the investor and the advisor.

Claims 36 and 41 contain similar limitations discussed in claim 31 above, therefore, are rejected by the same rationale.

***Conclusion***

10. Claims **25-41** are rejected.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

January 28, 2008